

SENATE BILL No. 388

April 18, 2001, Introduced by Senators HAMMERSTROM, JOHNSON, MC COTTER, SIKKEMA and GARCIA and referred to the Committee on Government Operations.

A bill to amend 1877 PA 164, entitled

"An act to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies,"

by amending section 11 (MCL 397.211), as amended by 1988 PA 432.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) Immediately after a city, a village, or a
2 township has voted to establish a free public library, a library
3 board shall be established by the city, village, or township as
4 prescribed in subsections (3) and (4).

5 (2) If a city, village, or township has a free public
6 library which has not elected a library board, including a city
7 library and board of directors established under sections 1 to
8 10, the city, village, or township shall establish a library
9 board as prescribed in subsections (3) and (4).

1 (3) The legislative body of a city, village, or township
2 described in subsection (1) or (2) shall appoint a provisional
3 library board of 6 directors who shall hold office until the next
4 annual or biennial city or village election, or township elec-
5 tion, of a permanent library board.

6 (4) A permanent library board shall be established for a
7 city, village, or township described in subsection (1) or (2) as
8 follows:

9 (a) In a city or village holding an annual election, 6
10 directors shall be elected. The terms of 2 of the directors
11 shall be 1 year; the terms of 2 of the directors shall be 2
12 years; and the terms of 2 of the directors shall be 3 years.
13 Each year thereafter, 2 directors shall be elected for 3-year
14 terms.

15 (b) In a city or village that holds biennial elections, 6
16 directors shall be elected. The terms of 2 of the directors
17 shall be 2 years; the terms of 2 of the directors shall be 4
18 years; and the terms of 2 of the directors shall be 6 years.
19 Biennially thereafter, 2 directors shall be elected for 6-year
20 terms.

21 (c) In a township holding elections for township officers
22 every 4 years, 6 directors shall be elected for 4-year terms at
23 the primary and general elections in 1984. A term of office
24 shall not be shortened by this subdivision. A director scheduled
25 by this section before March 31, 1981, to be elected at a time
26 other than 1984 shall not be elected on the date scheduled, but

1 shall continue in office until a successor takes office pursuant
2 to the election of 1984.

3 (d) The directors shall be nominated and elected on nonpar-
4 tisan ballots. A candidate for city, village, or township
5 library director shall file nonpartisan nominating petitions
6 bearing the signatures of a number of registered and qualified
7 electors of that city, village, or township ~~equal to not less~~
8 ~~than 1% of the total number of votes cast for the chief elected~~
9 ~~officer of that city, village, or township in the last election~~
10 ~~in which the officer was elected.~~ AS FOLLOWS:

11 (i) FOR A CITY, VILLAGE, OR TOWNSHIP HAVING A POPULATION OF
12 9,999 OR LESS, NOT LESS THAN 6 OR MORE THAN 20 SIGNATURES.

13 (ii) FOR A CITY, VILLAGE, OR TOWNSHIP HAVING A POPULATION OF
14 10,000 OR MORE, NOT LESS THAN 40 OR MORE THAN 100 SIGNATURES.

15 (E) IN LIEU OF THE NOMINATING PETITIONS PRESCRIBED IN SUBDI-
16 VISION (D), AN INDIVIDUAL MAY FILE WITH THE CLERK CONDUCTING AN
17 ELECTION A \$100.00 NONREFUNDABLE FEE TO HAVE HIS OR HER NAME
18 PLACED ON THE BALLOT.

19 (F) The Michigan election law, ~~Act No. 116 of the Public~~
20 ~~Acts of 1954, being sections 168.1 to 168.992 of the Michigan~~
21 ~~Compiled Laws~~ 1954 PA 116, MCL 168.1 TO 168.992, shall govern
22 the circulation and filing of nonpartisan nominating petitions
23 and the conduct of nonpartisan elections under this section.

24 (5) A director shall hold office until a successor is
25 elected and qualified.

1 (6) A library board shall fill a vacancy in a directorship
2 by appointment of a person to hold office until the next
3 election.

4 (7) A provisional or permanent library board has the powers
5 prescribed in section 5.

6 Enacting section 1. This amendatory act takes effect
7 January 1, 2002.